

sented that the article was tomato puree; whereas it was not tomato puree but was a product deficient in tomato solids.

On December 9, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28460. Adulteration of cashew nuts. U. S. v. 6 Cases and 1 Carton of Cashew Nuts. Default decree of condemnation and forfeiture. Order of destruction. (F. & D. No. 40567. Sample No. 10821-C.)

This article was insect-infested.

On October 23, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cases and one carton of cashew nuts at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 11, 1937, by the Colonial Warehouse & Transfer Co. from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 10, 1937, no claimant having appeared, judgment of condemnation and forfeiture, with order of destruction, was entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28461. Adulteration of flour. U. S. v. 420 Sacks of Flour. Consent decree of condemnation. Product released under bond conditioned that the bad portion be denatured. (F. & D. No. 40404. Sample Nos. 37736-C, 37738-C.)

This product was infested with worms and insects.

On September 29, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 sacks of flour at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about June 1, 1937, from Buffalo, N. Y., by the Pillsbury Flour Mills Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pillsbury XXXX Patent Flour Pillsbury Flour Mills Company. * * * Minneapolis, Minn."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 22, 1937, the Pillsbury Flour Mills Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the bad flour be segregated from the good, if any, and the former denatured and disposed of for purposes other than human consumption.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28462. Adulteration of canned shrimp. U. S. v. Quong Sun Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 39742. Sample Nos. 6697-C, 6698-C.)

This product was in part decomposed.

On June 17, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Quong Sun Co., Inc., New Orleans, La., alleging that on or about January 21, 1937, the defendant delivered to a common carrier at New Orleans, La., for shipment to the Republic of Panama, quantities of canned shrimp which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On December 9, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28463. Adulteration of canned tomato paste. U. S. v. 9 Cases of Canned Tomato Paste. Default decree of condemnation and destruction. (F. & D. No. 41572. Sample No. 1227-D.)

Samples of this product were found to contain excessive mold.

On January 31, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of canned

tomato paste at Bradford, Pa., alleging that the article had been shipped in interstate commerce on or about December 30, 1937, by Page's Gold Medal Canning Co. from Buffalo, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Page's Gold Medal Italian Style Tomato Paste * * * Packed by Page's Gold Medal Canning Co., Inc., Albion, New York."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On April 13, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28464. Adulteration of butter. U. S. v. Farmers Equity Cooperative Creamery Association, Inc. Plea of guilty. Fine, \$300 and costs. (F. & D. No. 39851. Sample Nos. 39483-C, 39484-C.)

This product contained less than 80 percent of milk fat.

On December 21, 1937, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Farmers Equity Cooperative Creamery Association, Inc., having a place of business at Orleans, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 22, 1937, from the State of Nebraska into the State of California, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923, which the article purported to be.

On January 29, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$300.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28465. Adulteration of canned blackberries. U. S. v. 198 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. & D. No. 40730. Sample No. 51896-C.)

This product contained moldy berries.

On November 17, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 cases of canned blackberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 15, 1937, from Salem, Oreg., by Paulus Bros. Packing Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White Tag Blackberries * * * Paulus Bros. Packing Co., Salem, Oreg."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On January 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28466. Misbranding of bread. U. S. v. Safeway Stores, Inc. Plea of guilty. Fine, \$27. (F. & D. No. 39843. Sample Nos. 48043-C, 48044-C, 48046-C.)

This product was short weight.

On January 22, 1938, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Safeway Stores, Inc., trading at Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about July 22 and 23, 1937, from the State of Utah into the State of Idaho, of quantities of bread which was misbranded. The article was labeled in part: "American Youth * * * Bread."

It was alleged to be misbranded in that the statement borne on the label, "Wt. 1 Lb.," was false and misleading since many of the loaves were severally of a weight less than 1 pound; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, since the contents of each of many of the packages were of a weight less than 1 pound.

On January 22, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$27.

HARRY L. BROWN, *Acting Secretary of Agriculture.*